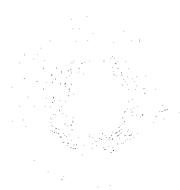


Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 26, 2010

TO: Persons on the attached mailing list.

RE: United States Department of the Army
TPDES Permit No. WQ0012074001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Moral Welfare and Recreation (MWR) Building 300, 698 Jacobs Lake Creek Park Road, Satler, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received** by the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.state.tx.us/about/comments.html> or by mail to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

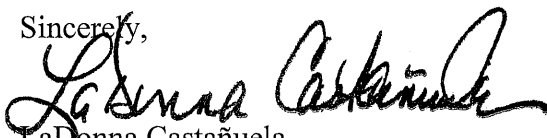
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/er

Enclosures

MAILING LIST
for
United States Department of the Army
TPDES Permit No. WQ0012074001

FOR THE APPLICANT:

Kelly Kane
U.S. Department of the Army
2202 15th Street, Suite 7
Fort Sam Houston, Texas 78234

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

John E. Williams, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
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Austin, Texas 78711-3087

Sonia Bhuiya, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
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Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

BISHOP , RONALD M
2541 GLENN DR
CANYON LAKE TX 78133-3579

BRACE , JEANETTE & RICHARD
1434 STAGECOACH DR
CANYON LAKE TX 78133-4095

BROWN , DAVID P
116 CREEKSIDE DR
VICTORIA TX 77904-1102

BUCKELS , JOY
1130 OAK CREST CIR
CANYON LAKE TX 78133-4849

CARMODY , PEGGY
2730 PONDEROSA DR
NEW BRAUNFELS TX 78132

COBLE , EDITH & JOHN LEE
1941 SCENIC VIEW DR
CANYON LAKE TX 78133-2208

COOPER , NORMAN L
PO BOX 2250
CANYON LAKE TX 78133-0010

DIETZ , FRANK
1677 HOFFMANN LN
NEW BRAUNFELS TX 78132-4254

FRISK , BELINDA & RON
680 FIVE OAKS CIR
CANYON LAKE TX 78133-5148

FULLER , KENNETH M
126 TOMMY DR
CANYON LAKE TX 78133-5369

GANSLE , JAMES
1275 TRAIL RDG DR
CANYON LAKE TX 78133-4460

GOULD , DEBBI
1006 ROCKY CREEK
CANYON LAKE TX 78133

HART , STEVE P
626 BRIAR OAK ST
SAN ANTONIO TX 78216-3005

HAYES , DAVID
484 PECAN ST
CANYON LAKE TX 78133-4546

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PO BOX 1742
CANYON LAKE TX 78133-0005

HOLM , PAUL B
2219 LAKEVIEW DR
CANYON LAKE TX 78133-3448

JOHNSON , DON M
146 NIGHTHAWK LN
CANYON LAKE TX 78133-2100

JOHONNETT , MILO G
462 BALD EAGLE
CANYON LAKE TX 78133-3402

JONES , CHARLES & XENA B
796 FIVE OAKS CIR
CANYON LAKE TX 78133-5172

KENNADY , THE HONORABLE JAN
COMMISSIONER
COMAL COUNTY PCT 4
199 MAIN PLZ
NEW BRAUNFELS TX 78130-5134

KENNADY , JAN
206 ELMWOOD DR
NEW BRAUNFELS TX 78130-5280

KILMER , KRIS N
831 SINGING HILLS DR
CANYON LAKE TX 78133-3458

MAURER , SUE JOHNSON
1250 SANDPIPER DR
CORPUS CHRISTI TX 78412-3824

MCNAB , LYNDIA & ROBERT
720 RIVER RUN
NEW BRAUNFELS TX 78133

MELANCON , DIANA
341 CANYON EDGE
CANYON LAKE TX 78133-3412

MILLER , THE HONORABLE DOUG STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT
PO BOX 2910
AUSTIN TX 78768-2910

OBRIEN , KATHLEEN
1062 ROCKY CREEK DR
CANYON LAKE TX 78133-2515

PIZZITOLA , JUDY & ROSE
1290 STAGECOACH DR
CANYON LAKE TX 78133-4055

QUINN , JEFF
1834 FM 2673
CANYON LAKE TX 78133-4756

RICCI , LOIS & PATRICK
1816 STAGECOACH DR
CANYON LAKE TX 78133-4056

RODGERS, KAREN & ROBERT
974 KINGS POINT DR
CANYON LAKE TX 78133-3236

SERR, JOANNE & MARVIN D
190 BOBBY CLARK DR
CANYON LAKE TX 78133-2120

STRICKLAND, FRANCES & PHILLIP
306 EDGE HILL DR
CANYON LAKE TX 78133-4015

TAYLOR, LARRY & SANDI
8421 LAURELHURST
SAN ANTONIO TX 78209-2015

WAGGENER, BILL & PAT
752 FIVE OAKS CIR
CANYON LAKE TX 78133

WAGNER, DOUGLAS & THERESE M
1381 STAGECOACH DR
CANYON LAKE TX 78133-4062

WALSH, FRANK L
840 GALLAGHER DR
CANYON LAKE TX 78133-6443

WICKMAN, ROBERT
1260 TRAILRIDGE DR
CANYON LAKE TX 78133-4454

WILLIAMSON, LARRY L
585 SUSIE DR
CANYON LAKE TX 78133-5291

Proposed Renewal of TPDES Permit No. WQ0012074001

2010 AUG 25 PM 1:55
Before the

Application by the §
UNITED STATES DEPARTMENT OF §
THE ARMY §
for **TPDES Permit No. WQ0012074001** §

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by the United States Department of the Army (Applicant) for renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0012074001 and on the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code, Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters and comments at the public meeting from:

Ronald M. Bishop,
Ted C. Bowen,
Jeanette and Richard Brace,
David P. Brown,
Joy Buckels,
Edith Jane and John Lee Coble,
Norman L. Cooper,
Belinda and Ron Frisk,
Kenneth M. Fuller,
James J. Gansle,
Steve P. Hart,
David Hayes,
Tom Hodge, General Manager of the
Canyon Lake Water Service
Company,
Paul B. Holm,
Don M. Johnson,
Milo G. Johonnett,
Charles E. and Xena B. Jones,

the Honorable Jan Kennady, County
Commissioner of Comal County,
Kris N. Kilmer,
Paul E. Klein,
Sue Johnson Mauer,
Mrs. Diana Melancon,
the Honorable Doug Miller, State
Representative,
Tony Overman,
Judy and Rose Pizzitola,
Dr. Jeff Quinn,
Lois and Patrick Ricci,
Joanne W. and Marvin D. Serr,
Frances and Phillip Strickland,
Larry and Sandi Taylor,
Douglas Wagner,
Frank L. Walsh, and
Robert W. Wickman, representing
Friends of Canyon Lake.

This Response addresses all comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The United States Department of the Army has applied to the TCEQ for renewal of its TPDES permit that would authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 12,500 gallons per day. TCEQ received this application on July 23, 2009. The Canyon Lake Wastewater Treatment Facility is an activated sludge process plant operated in the extended aeration mode. Treatment units include a lift pump, a bar screen, an aeration basin, a final clarifier, and a chlorine contact chamber. The facility is in operation.

The effluent limitations in the draft permit, based on a 30-day average, are 10 milligrams per liter (mg/l) 5-day biochemical oxygen demand, 15 mg/l total suspended solids, and 4.0 mg/l minimum dissolved oxygen. The effluent must contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The treated effluent is discharged directly to Canyon Lake in Segment No. 1805 of the Guadalupe River Basin. The designated uses for Segment No. 1805 are aquifer protection, exceptional aquatic life use, public water supply and contact recreation.

The facility is located approximately 3,300 feet east of Farm-to-Market Road 306 and 2,500 feet north of Jacob Creek Park Road in Comal County, Texas 78133.

Procedural Background

The application was received on July 23, 2009, and declared administratively complete on September 10, 2009. Notice of Receipt of Application and Intent to Obtain a Water Quality Permit Renewal (NORI) was published October 9, 2009, in the *New Braunfels Herald-Zeitung* and in Spanish on October 4, 2009, in *La Prensa de San Antonio*. The TCEQ Executive Director completed the technical review of the application on October 6, 2009, and prepared a draft permit. Notice of Application and Preliminary Decision for a TPDES Permit for Municipal Wastewater Renewal (NAPD) was published January 20, 2010, in the *New Braunfels Herald-Zeitung* and in Spanish on January 17, 2010, in *La Prensa de San Antonio*. A public meeting was held in New Braunfels on June 24, 2010 and the comment period closed at the public meeting. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801 (76th Legislature, 1999).

Access to Rules, Laws, and Records

Secretary of State website for all administrative rules: www.sos.state.tx.us

TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/
(select "TAC Viewer" on the right, then "Title 30 Environmental Quality")

Texas statutes: <http://www.statutes.legis.state.tx.us/>

TCEQ website: www.tceq.state.tx.us (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules," then "Current TCEQ Rules," then "Download TCEQ Rules")

Federal rules in Title 40 of the Code of Federal Regulations: <http://www.epa.gov/lawsregs/search/40cfr.html>

Federal environmental laws: <http://www.epa.gov/lawsregs/laws/index.html>

Commission records for this facility are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The application for this facility has been available for viewing and copying at Moral Welfare and Recreation (MWR) Building 300, 698 Jacobs Lake Creek Park Road, Satler, Texas, since publication of the NORI and the application draft permit, statement of basis/technical summary, and Executive Director's preliminary decision have been available for viewing and copying at the same location since publication of the NAPD.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may contact the Agency at 1-888-777-3186 or you may contact the TCEQ Region 13 Office at 210-490-3096. Citizen complaints may also be filed on-line at the TCEQ website (select "Reporting," then "Make an Environmental Complaint"). If the facility is found to be out of compliance it will be subject to enforcement action.

COMMENTS and RESPONSES

COMMENT 1

Ronald Bishop supported issuance of the permit renewal because the volume was small and the facility served the nation's soldiers.

RESPONSE 1

The Executive Director notes this comment.

COMMENT 2

Ted Bowen, Jeannette and Richard Brace, Joy Buckels, Edith and John Coble, Belinda and Ron Frisk, Kenneth Fuller, Steve Hart, David Hayes, Tom Hodge, Paul Holm, Don Johnson, Milo Johonnett, Charles and Xena Jones, Commissioner Jan Kennady, Kris Kilmer, Paul Klein, Sue Maurer, Mrs. Diana Melancon, Tony Overman, Judy and Rose Pizzitola, Dr. Jeff Quinn, Lois and Patrick Ricci, Joanne and Marvin Serr, Frances and Phillip Strickland, Larry and Sandi Taylor, Douglas Wagner, Frank Walsh, and Robert Wickman were concerned about their drinking water that comes from Canyon Lake and their families' recreation on Canyon Lake, and asked that the draft permit contain a 5-2-2-1 effluent set, consistent with other wastewater discharge permits on Canyon Lake. David Brown asked that the effluent limits be consistent with other wastewater discharge permits on Canyon Lake. Norman Cooper and James Gansle wanted an improved treatment level.

Commissioner Jan Kennady wanted assurance of good quality water. State Representative Doug Miller wanted alternative effluent limits for the facility.

RESPONSE 2

TCEQ staff analyze wastewater discharge applications to ensure that effluent limits in permits comply with Commission rules. In general, the goal is to construct permits that meet water quality standards for the protection of aquatic life, human health, and the environment. These standards include specific numeric and narrative water quality criteria applicable to the waters receiving a discharge. Staff evaluated this application and incorporated pertinent site-specific factors in an effort to reduce uncertainty and bolster confidence in the results of the analysis. This review preliminarily determined that existing water quality standards and uses will be maintained by this permit action. The existing water quality uses for Canyon Lake include aquifer protection, exceptional aquatic life use, public water supply and contact recreation. Effluent limitations for some of the major constituents have been evaluated using a mathematical model of the receiving waters. Model results indicate that limits including 5 mg/l 5-day carbonaceous biochemical oxygen demand and 2 mg/l ammonia-nitrogen are not required for a discharge of this flow at this location. The proposed discharge was also screened against proposed reservoir nutrient criteria for Canyon Lake and the model indicated a nutrient limit was not warranted at this time.

Title 30 of the Texas Administrative Code, Section 307.6 (b)(3) states that water in the state shall be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. Water in the state with a sustainable fishery and designated as public water supply, such as Canyon Lake, will not exceed applicable human health toxic criteria.

COMMENT 3

Ted Bowen, Joy Buckels, Edith and John Coble, Belinda and Ron Frisk, Kenneth Fuller, Steve Hart, David Hayes, Don Johnson, Milo Johonnett, Charles and Xena Jones, Commissioner Jan Kennady, Kris Kilmer, Paul Klein, Sue Maurer, Mrs. Diana Melancon, Tony Overman, Judy and Rose Pizzitola, Dr. Jeff Quinn, Lois and Patrick Ricci, Joanne and Marvin Serr, Frances and Phillip Strickland, Larry and Sandi Taylor, Douglas Wagner, Frank Walsh, and Robert Wickman asked that the Guadalupe River be treated the same as the Highland Lakes and the Lower Colorado River.

RESPONSE 3

The TCEQ has established water quality standards for all water bodies in the state. These standards are found in Chapter 307 of Title 30 of the Texas Administrative Code. These standards have also been approved by the U.S. Environmental Protection Agency.

When petitioned to do so by local interests, the TCEQ has, through rulemaking, established special standards on specific water bodies more strict than would normally be required. Through the

rulemaking process, the TCEQ has aired all issues involved with the more strict standards and has involved the participation of all parties interested in protection of those watersheds, including users of the water bodies as well as the entities that would be regulated by and have to conform with the more strict standards.

The specialized watershed protection rules are found in Chapter 311 of Title 30 of the Texas Administrative Code. Subchapter A protects Lakes Travis and Austin, Subchapter B protects Lakes Inks and Buchanan, Subchapter E protects the Colorado River, and Subchapter F protects Lakes Lyndon B. Johnson and Marble Falls. Other subchapters protect Clear Lake; Lake Houston; Lakes Worth, Eagle Mountain, Bridgeport, Cedar Creek, Arlington, Benbrook, and Richland-Chambers; and the John Graves Scenic Waterway.

To date, no party has petitioned the TCEQ for special standards for Canyon Lake or the Guadalupe River watersheds beyond the standards found in Chapter 307.

COMMENT 4

Jeanette and Richard Brace believed that a federal facility on a federal reservoir should provide leadership in the protection of their community.

RESPONSE 4

The Executive Director notes this comment.

COMMENT 5

Norman Cooper was concerned about endangered species downstream from Canyon Lake.

RESPONSE 5

The TCEQ staff determines the potential for any adverse impact from the proposed discharge to aquatic or aquatic dependent federally endangered or threatened species, including proposed species that may be present in the receiving waters. This determination is based on several factors in accordance with the United States Fish and Wildlife Service's biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System. This is then noted in the memo for referral to the EPA to make a decision for further consultation with the Fish and Wildlife Service. EPA responded that it had no objection to this preliminary draft permit and determined that the draft permit will meet the guidelines and requirements of the Clean Water Act and satisfy the EPA's regulatory requirements.

COMMENT 6

James Gansle, Commissioner Jan Kennady, and State Representative Doug Miller were concerned about effect of water quality on the economic vitality of Canyon Lake and the Guadalupe River.

RESPONSE 6

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider the economic vitality of a particular area. The Executive Director has reviewed the permit application in accordance with the applicable law, policy, and procedures, in accordance with the agency's mission to protect our state's human and natural resources.

COMMENT 7

Commissioner Jan Kennady, State Representative Doug Miller, and Robert Wickman were concerned about the age of the facility and the likelihood of it breaking down.

RESPONSE 7

The startup date of the facility was 1968. Although it has been operating for a number of years, self-reported information indicates the facility is operating well. The Canyon Lake Recreation Area Wastewater Treatment Facility has operated within the parameters of the permit and it is expected that it will continue to do so in the future.

COMMENT 8

State Representative Doug Miller was concerned about the collective effect of all sources of wastewater into Canyon Lake, even those coming from upstream of the lake.

RESPONSE 8

For renewal permit actions, an antidegradation review is not required because there is no increase in loading. Nevertheless, the discharge was screened for nutrients as a precaution. The nutrient model used to screen against the proposed numerical nutrient standards for reservoirs as proposed in the Texas Surface Water Quality Standards indicated that no nutrient limit was required. The qualitative nutrient screening method takes into account other dischargers in the vicinity.

Furthermore, the proposed numerical nutrient criteria will be used to monitor the water quality of Canyon Lake once adopted.

COMMENT 9

State Representative Doug Miller and Robert Wickman suggested the possibility of a shorter permit term, perhaps two years, to encourage a more proactive stance for improvements to the plant on the part of the Applicant.

RESPONSE 9

The TCEQ, to the greatest extent practicable, evaluates wastewater discharge permits within a single river basin within the same year. No permit may be issued for less than two years and no permit may be issued for more than five years in order to keep an individual permit on the established basin permitting cycle. Because the basin permitting cycle is mandated by Commission rule, the Executive Director recommends permit terms to conform to those rules. Nevertheless, the Commission, after due consideration, may change the term of the permit if a situation warrants such a change.

COMMENT 10

Tom Hodge was concerned whether the facility would be able to meet its effluent limits when the plant approaches full capacity.

RESPONSE 10

The plant is permitted to discharge treated effluent at a daily average flow of 12,500 gallons per day. The summary of the applicant's Monthly Effluent Report data for the period February 2003 through March 2009 indicates the facility is discharging treated wastewater at a daily average flow of 4,000 gallons per day and contains an average biological oxygen demand concentration of approximately 2.2 milligrams per liter (parts per million) and a total suspended solids concentration of 7.7 milligrams per liter (parts per million). Operational Requirements, Item No. 8 on page 10 of the proposed draft permit states that when the flow reaches 75 percent of the permitted daily average flow for three consecutive months, the Applicant must initiate engineering and financial planning for expansion or upgrade of the domestic wastewater treatment or collection facilities. When the flow reaches 90 percent of the permitted daily average flow for three consecutive months, the Applicant must obtain authorization from TCEQ to begin constructing the necessary additional treatment or collection facilities. These permit provisions are designed to help prevent overloading of the treatment system and to prevent the discharge of treated effluent with pollutant concentrations above

the permit limits. Finally, the Applicant is subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

COMMENT 11

Tom Hodge would like to see phosphorus and nitrate limits in the permit.

RESPONSE 11

The nutrient model used to screen against the proposed numerical nutrient standards for reservoirs as proposed in the Texas Surface Water Quality Standards indicated that no nutrient limit was required.

COMMENT 12

Robert Wickman asked that the renewal of this permit be denied.

RESPONSE 12

The Executive Director notes this comment.

No changes to the draft permit have been made.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By 

John E. Williams, Staff Attorney
Environmental Law Division
State Bar No. 24004991
P.O. Box 13087, MC 173

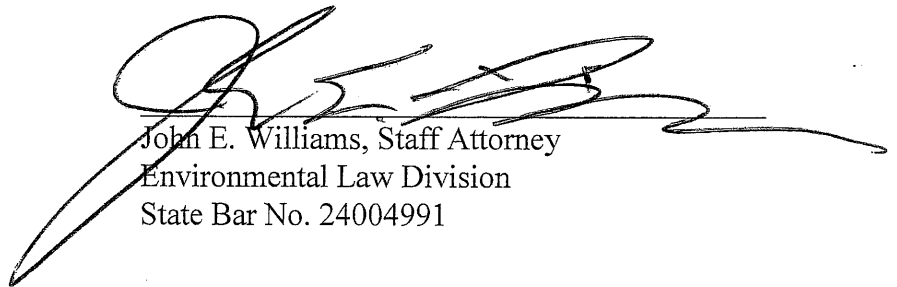
Austin, Texas 78711-3087

512-239-0455

Representing the Executive Director of the Texas
Commission on Environmental Quality

CERTIFICATE OF SERVICE

I certify that on August 25, 2010, the "Executive Director's Response to Public Comment" for Permit No. WQ0012074001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



John E. Williams, Staff Attorney
Environmental Law Division
State Bar No. 24004991

CHIEF CLERKS OFFICE

2010 AUG 25 PM 1:55

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY